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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,995	12/20/2001	Sergio Cazzolaro	SCP-109	8530

7590 12/10/2003
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EXAMINER

A, PHI DIEU TRAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,995

Applicant(s)

CAZZOLARO, SERGIO

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,10,12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-7, 10, 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilberto (EP884425) in view of Couse et al (2882564).

Gilberto (figure 1) shows a composite structure having at least two coupled structures (2) having a plurality of pairs of scissors-connected tubular elements (4) having extremities hinged in universal joints, the joints being integral delimited by substantially equal and parallel faces and forming four seats (5), each of the four seats in correspondence with a side face to accept hinged elements, the at least two coupled structures when superimposed forming a fifth seat in which is fixed an extremity of an extendible telescopic tubular element (3) whose other extremity is fixed to an opposed universal joint.

Gilberto does not show each of the joints forming a groove along each side of a larger face forming the four seats, the groove proximate to and parallel to a corresponding edge of each said side face, a C-sectioned fixing element including two folded and inverted edges, the C-sectioned fixing element holding united two matching universal joints, one of the folded and inverted edges is inserted into one groove of one of the two matching universal joints and the other of the folded and inverted edges being inserted into one groove of the other of the two matching said joints, the element being applied only over each external side face of the joints that are on an external surface of the structure, matching faces of the universal joints of the

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joined structures including at least one suitable perforation for housing a pivot that prevents any horizontal movement of the joints.

Couse et al (figure 3) shows a C-sectioned fixing element (44) hold united two matching joints from two coupled structures, the joints each having a groove (33) along each side of a larger face proximate to and parallel to corresponding edge of each said side, the element being substantially rectangular sheet of flexible material having two opposite folded and inverted edges (the rounded edges at the end of the sheet constitutes the opposite folded and inverted edges), the edges mating those of the grooves on the joint, the element cover the external face of the joints.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilberto to show each of the joints forming a groove along each side of a larger face forming the four seats, the groove proximate to and parallel to a corresponding edge of each said side to cooperate with a folded and inverted edge of a C-sectioned fixing element having a dimension and shape corresponding to two grooves of two matching said universal joints of the coupled structure to hold united two matching universal joints, the element being applied only over each external side face of the joints that are on an external surface of the structure, matching faces of the universal joints of the joined structures including at least one suitable perforation for housing a pivot that prevents any horizontal movement of the joints because the C-sections would ensure the tight coupling of the structures together and the C-section would also provide an aesthetic cover for the joint between the coupling as taught by Couse, and an additional benefit of attaching the structures together with the C-shape taught by Couse is the easy snap fastening of parts together.

Per claims 6, 14-17, 21, Gilberto as modified by Couse et al shows all the claimed limitations except for the C-section forming cut-outs corresponding to the seats for the hinged extended elements.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Gilberto's modified structure to show the C-section forming cut-outs corresponding to the seats as the cut-out would allow movement and location of the hinged extended elements.

Response to Arguments

1. Applicant's arguments filed 9/22/03 have been fully considered but they are not persuasive.

With respect to applicant's argument that Couse et al does not show the C-section does not insert into a corresponding groove in the larger face, examiner respectfully disagrees. As shown in figure 3, the larger face corresponds to the extent of the section (44). The section thus is inserted into a corresponding groove in the larger face. The argument is thus moot.

2. With respect to applicant's argument that the C-sections are not motivated as fixing means for the Gilberto Publication, examiner respectfully disagrees. As pointed out in the rejection above, the addition of the C-sections would provide ensure the tight coupling of the structures together and the C-section would also provide an aesthetic cover for the joint between the coupling with the additional benefit of attaching the structures together quickly by snap fastening of parts together. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

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combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination would enhance the structure of Gilberto and motivated as described above. The argument is thus moot.

With respect to applicant's argument per the "aesthetics" of combining the references Gilberto and Couse et al, examiner respectfully points that the added benefit of "nice appearance" would appeal to people using the structure and thus resulting in large sales. As pointed out by applicant, the Gilberto reference can be used as product displays, and "appearance" "certainly is important, the modification is thus motivated. Applicant suggests that the covering of the Gilberto's structure's joints is insufficient motivation to modify the reference, examiner respectfully disagrees. If the enhancement of the joints improves the overall structures, the modification is thus encouraged and motivated. The argument is thus moot.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the

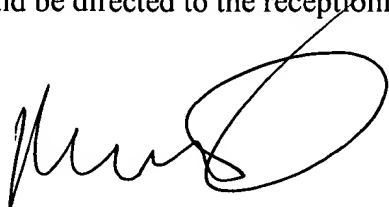
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organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized loop at the end.

Phi Dieu Tran A
December 8, 2003